

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF CHELAN

Timothy Borders, Thomas Canterbury, Tom  
Huff, Margie Ferris, Paul Elvig, Edward  
Monaghan, and Christopher Vance,  
Washington residents and electors, and the  
Rossi for Governor Campaign, a candidate  
committee,

Petitioners,

vs.

King County and Dean Logan, its Director  
of Records, et al.

Respondents.

No. 05-2-00027-3

SKAGIT COUNTY'S RESPONSE TO  
PETITIONERS' MOTION FOR EXPEDITED  
DISCOVERY

**I. BACKGROUND**

On January 10, 2005, Skagit County was served with the Petition in this action and the Motion for Expedited Discovery. On January 11, 2005, counsel for Skagit received via e-mail, Petitioners' 18 - page "First Interrogatories and Requests for Production" a copy of which is attached as Exhibit A. According to Petitioners' motion, this and other, yet to be disclosed, discovery requests are the subject of their motion for expedited discovery.

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## **II. ARGUMENT**

Mindful that statutes call for the prompt resolution of election contests, Skagit County and Norma Hickock-Brummett, the Skagit County Auditor (hereinafter the "Skagit County Respondents") must oppose in part the discovery order requested by Petitioners. In their motion, Petitioners assert that they, "simply seek access to the information Respondents have [already] developed." While this may be true for a certain limited amount of the information sought by the Petitioners, this is not true with regard to the bulk of what Petitioners seek from the Skagit County Respondents. Much of the information has not been previously compiled in the form sought by Petitioners. Some of the information sought will require the laborious hand re-examination of thousands of absentee ballots and ballot envelopes and the review of hundreds of thousands of individual voter records. As detailed in the Declaration of Erika Kubischta filed with this response, these tasks cannot be completed prior to January 21, 2005 as Petitioners request.

Many of the Petitioners' discovery requests are broad and unfocused and will likely require Respondents to expend great efforts unnecessarily. If Petitioners are to be permitted expedited discovery, they should be required to focus and prioritize their requests.

Some of the information sought by Petitioners can be provided on the expedited basis requested. The Skagit County Respondents are prepared to provide as much information as they can, as soon as they can, but the court should not impose an impossible burden upon respondent.

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SKAGIT COUNTY PROSECUTING ATTORNEY  
605 S. 3RD ST. -- Courthouse Annex  
Mount Vernon, WA 98273  
Phone: (360) 336-9460  
Fax: (360) 336-9497

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3 **III. RELIEF REQUESTED**

4 The Skagit County Respondents request that the Court either deny Petitioners'  
5 request for expedited discovery or that the Court require Petitioners to limit and focus  
6 their discovery requests and to permit Respondents to exercise their rights to object to  
7 unduly burdensome requests in accordance with CR 26 and CR 34.  
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9 DATED this \_\_\_\_\_ day of January, 2005.  
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12 SKAGIT COUNTY PROSECUTING ATTORNEY  
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14 /S Don L. Anderson  
15 Don L. Anderson, WSBA # 12445  
16 Chief Prosecuting Attorney (Civil)  
17 Attorney for Skagit County Respondents  
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